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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/720,180	12/20/2000	Vincenzo D'Acchioli	CM1987QVB	8836

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THE PROCTER & GAMBLE COMPANY
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EXAMINER

ANDERSON, CATHARINE L

ART UNIT

PAPER NUMBER

3761

DATE MAILED: 03/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/720,180

Applicant(s)

D'ACCHIOLI ET AL.

Examiner

C. Lynne Anderson

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-- Th MAILING DATE of this communication appears on th cover sh et with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____ .
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 .
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____ .
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 4, 5, 7, 8, and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "comprising at least two lobes" in lines 1-2. It is unclear whether this limitation refers back to the lobe provided on the flange of claim 1, or if these are separate lobes provided directly on the urine management device.

Claims 4, 5, 7, 8, and 9 recite the limitation "said lobes". There is insufficient antecedent basis for this limitation in the claim. It is unclear if this limitation refers back to the limitation of claim 1 disclosing "at least one non-adhesive lobe".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-5, and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by La Gro (5,593,397).

La Gro discloses a device for collecting body waste comprising a bag 11, as shown in figure 1, having an aperture 12 surrounded by a flange 20. The flange 20

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comprises a wearer facing portion comprising a layer of adhesive 22, and a garment facing portion 23. The flange 20 further comprises a non-adhesive lobe 23a.

With respect to claim 3, the flange 20 comprises one lobe 23a at the upward end of the flange 20.

With respect to claim 4, the flange 20 has a longitudinal axis which may be drawn to bisect the lobe 23a such that the lobe 23a is located about the axis.

With respect to claim 5, the flange 20 further comprises a release means 24 covering the adhesive 22 and lobe 23a, as shown in figure 2.

With respect to claims 7-9, La Gro discloses removing the release means 24 by grasping the lobe 23a (column 6, lines 60-65), placing the adhesive 22 of the flange 20 on the wearer (column 4, lines 28-32), and removing the device by gripping the lobe 23a (column 6, lines 66-67). It is noted that La Gro discloses attaching the device to the wearer's perianal region rather than the uro-genital region, but the method would be the same for either region.

Claims 1-4, 7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Cooney et al. (4,198,979).

Cooney discloses a device for collecting urine, as shown in figure 8, comprising a bag 70. The bag 70 further comprises an aperture 10, as shown in figures 5 and 6, surrounded by a flange 20. The flange 20 comprises a wearer facing portion 5 comprising a layer of adhesive 8, and a garment facing portion 3. The flange is provided with non-adhesive lobes 42 and 46.

With respect to claim 2, the device comprises two lobes 42 and 46.

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With respect to claim 3, one flange 46 is positioned in the upward facing end of the flange 20, as shown in figure 8.

With respect to claim 4, the flange 20 has a longitudinal axis which may be drawn to bisect the lobes 42 and 46 such that the lobes 42 and 46 are located about the axis.

With respect to claims 7 and 9, Cooney discloses the method of placing the adhesive 8 of the flange 20 against the skin of the wearer in column 5, lines 42-48, and removing the device in column 5, lines 63-64. The lobes 42 and 46 may be gripped to aid the removal of the device.

Claims 1-4, 7, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Willingham (5,411,495).

Willingham discloses a device for collecting urine comprising a bag 14, as shown in figure 1. The bag further comprises an aperture 50, as shown in figure 5, and a flange 20, as shown in figure 2. The flange 20 comprises a wearer facing portion comprising a layer of adhesive 22, and a garment facing portion, as shown in figure 3. The flange is provided with non-adhesive lobes 26, 32, and 34.

With respect to claim 2, the device comprises three lobes 26, 32 and 34.

With respect to claim 3, one flange 26 is positioned in the upward facing end of the flange 20, as shown in figure 2.

With respect to claim 4, the flange 20 has a longitudinal axis which may be drawn to bisect the lobe 26 such that the lobes 26, 32, and 34 are located symmetrically about the axis.

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With respect to claims 7 and 9, Willingham discloses the method of placing the adhesive 22 of the flange 20 against the skin of the wearer in column 5, lines 48-49, and removing the device in column 5, lines 57-59. The lobes 26, 32, and 34 may be gripped to aid in the removal of the device.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over La Gro (5,593,397) as applied to claim 1 above, and further in view of Allen, Jr. et al. (4,561,858).

La Gro discloses all aspects of the claimed invention with the exception of the release means extending beyond the edges of the flange. Allen, Jr. discloses a bag for collecting body fluids, as shown in figure 3, comprising an aperture 14 and a flange 26. The flange 26 is tacky so it may adhere to the skin of the wearer, as disclosed in column 4, lines 25-34. The adhesive flange 26 is covered with a release means 28, which extends beyond the edges of the flange 26 to protect the flange 26 from dust prior to use. The free edges of the release means 28 provide a convenient place for gripping the release means 28 in order to remove it from the flange 26, as disclosed in column 4, lines 39-45.

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It would therefore be obvious to one of ordinary skill in the art at the time of invention to extend the release means of La Gro beyond the edge of the flange in order to provide a free edge of the release means that may be gripped while removing the release means from the flange, as taught by Allen, Jr.

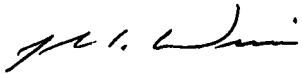
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Lynne Anderson whose telephone number is (703) 306-5716. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John G. Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3590 for regular communications and (703) 306-4520 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

cla
March 11, 2002


John G. Weiss
Supervisory Patent Examiner
Group 3700